

IC 29-3-8.5

Chapter 8.5. Volunteer Advocates for Seniors

IC 29-3-8.5-1

Appointment

Sec. 1. A court in a proceeding under this article may appoint a volunteer advocate for seniors.

As added by P.L.41-2004, SEC.2.

IC 29-3-8.5-2

Progress report; final report

Sec. 2. A volunteer advocate for seniors shall submit to the court:

- (1) a progress report fifteen (15) days after the date of appointment describing the matters required by the court; and
- (2) a final report sixty (60) days after the date of appointment:
 - (A) describing the matters required by the court; and
 - (B) making recommendations to the court as to whether a need exists for continued representation of the incapacitated or protected person.

As added by P.L.41-2004, SEC.2.

IC 29-3-8.5-3

Duties

Sec. 3. A volunteer advocate for seniors shall:

- (1) serve as a limited guardian to represent and protect the interests of an incapacitated or protected person who is at least fifty-five (55) years of age;
- (2) investigate and gather information regarding the health, welfare and financial circumstances of the incapacitated or protected person, as directed by a court;
- (3) facilitate and authorize health care, social welfare, and residential placement services as needed by the incapacitated or protected person;
- (4) advocate for the rights of the incapacitated or protected person;
- (5) facilitate legal representation for the incapacitated or protected person; and
- (6) perform any other duty required by a court.

As added by P.L.41-2004, SEC.2.

IC 29-3-8.5-4

Actions a volunteer advocate for seniors may take

Sec. 4. A volunteer advocate for seniors may:

- (1) consent to medical and other professional care and treatment for the incapacitated or protected person's health and welfare;
- (2) secure the appointment of a guardian or coguardian in another state;
- (3) take custody of the incapacitated or protected person and establish the person's place of abode within Indiana or another state in accordance with IC 29-3-9-2;

- (4) institute proceedings or take other appropriate action to compel the performance by any person of a duty to support the incapacitated or protected person's health or welfare; and
- (5) delegate to the incapacitated or protected person certain responsibilities for decisions affecting the person's business affairs and well-being.

As added by P.L.41-2004, SEC.2.

IC 29-3-8.5-5

Term of appointment

Sec. 5. If a court appoints an individual to serve as a volunteer advocate for seniors, the appointment shall be for a period of sixty (60) days. After the initial sixty (60) day period, the court may, upon petition by the volunteer or upon the court's own motion, extend the appointment for a period as determined by the court to be necessary to protect the interests of the incapacitated or protected person.

As added by P.L.41-2004, SEC.2.

IC 29-3-8.5-6

Officer of the court

Sec. 6. A volunteer advocate for seniors is considered an officer of the court for the purpose of representing the interests of an incapacitated or protected person.

As added by P.L.41-2004, SEC.2.

IC 29-3-8.5-7

Attorney appointment

Sec. 7. The court may appoint an attorney to represent a volunteer advocate for seniors.

As added by P.L.41-2004, SEC.2.

IC 29-3-8.5-8

Civil immunity

Sec. 8. Except for gross misconduct:

- (1) a volunteer advocate for seniors program that;
- (2) an employee of a volunteer advocates for seniors program who; or
- (3) a volunteer for a volunteer advocates for seniors program who;

performs duties in good faith is immune from any civil liability resulting from the program's, employee's, or volunteer's performance.

As added by P.L.41-2004, SEC.2.

IC 29-3-8.5-9

Authorization to consent to or refuse health care

Sec. 9. A volunteer advocate for seniors under this chapter is not authorized to consent to or refuse health care (as defined in IC 16-36-1-1) for an individual if:

- (1) a spouse, a parent, an adult child, or an adult sibling of the individual or the individual's religious superior, if the individual

is a member of a religious order, is available, capable, and suitable to consent to or refuse the health care on behalf of the individual; or

(2) the individual has previously:

(A) appointed a health care representative under IC 16-36-1;

(B) authorized health care under IC 16-36-1.5, IC 16-36-4, or IC 16-36-5;

(C) executed a power of attorney under IC 30-5-4; or

(D) had a guardian appointed by the court under IC 29-3.

As added by P.L.41-2004, SEC.2.